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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,291	12/15/2003	Akihiko Fukazawa	246507US90	1782
	7590 11/28/2007 AK MCCIFLIAND M	EXAMINER		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET			DINH, JACK	
ALEXANDRIA	ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER
		2873		
			NOTIFICATION DATE	DELIVERY MODE
			11/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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*	Application No.	Applicant(s)
	10/734,291	FUKAZAWA ET AL.
Office Action Summary	Examiner	Art Unit
	Jack Dinh	2873
The MAILING DATE of this communication Period for Reply	on appears on the cover sheet w	ith the correspondence address
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING. - Extensions of time may be available under the provisions of 37 Consider SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory. - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNI CFR 1.136(a). In no event, however, may a on. period will apply and will expire SIX (6) MON statute, cause the application to become Al	CATION. Teply be timely filed ITHS from the mailing date of this communication BANDONED (35 U.S.C. § 133).
Status		•
1) Responsive to communication(s) filed on	31 August 2007.	
2a) This action is FINAL. 2b)	This action is non-final.	
3) Since this application is in condition for al closed in accordance with the practice un	· •	
Disposition of Claims		
4) Claim(s) 1-36 is/are pending in the application 4a) Of the above claim(s) is/are with 5) Claim(s) 1-20,22,24,26-29,32 and 33 is/a 6) Claim(s) 21,23,25,30,31,34-36 is/are rejection 6) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction as	thdrawn from consideration. ire allowed. cted.	
Application Papers	•	
9) The specification is objected to by the Example 10) The drawing(s) filed on <u>07 November 200</u> Applicant may not request that any objection to Replacement drawing sheet(s) including the control of the oath or declaration is objected to by the example 11) The oath or declaration is objected to by the example 11.	6 is/are: a)⊠ accepted or b) to the drawing(s) be held in abeyard correction is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of: 1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International B * See the attached detailed Office action for	ments have been received. ments have been received in A e priority documents have been Bureau (PCT Rule 17.2(a)).	pplication No received in this National Stage
Attachment(s)	•	
Attachment(s)) Notice of References Cited (PTO-892)	. 4) Interview	Summary (PTO-413)
Notice of Draftsperson's Patent Drawing Review (PTO-94) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date		s)/Mail Date nformal Patent Application TAILED ACTION.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 23, 25, 30, 31 and 34-36 are rejected under 35 U.S.C. 112, second paragraph. as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 21 and 23, line 2, the phrase "comprises nickel oxide" renders the claim indefinite. Independent claim 1 recites "wherein a transparent intermediate layer comprising at least one of a metal oxide other than a nickel oxide". Furthermore, dependent claim 34 recites "said intermediate layer contains no nickel oxide". The claims contradict each other. Therefore, it is unclear what is being claimed.

Regarding claim 25, line 2, the phrases "a transparent intermediate layer comprising at least one of a metal oxide other than a nickel oxide" and "said intermediate layer comprises nickel oxide" render the claim indefinite. The limitations contradict each other. Therefore, it is unclear what is being claimed. Claims 30, 31, 35 and 36 are rejected based upon the rejected base claim.

Similar errors appear throughout the claims. Appropriate correction is required.

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Allowable Subject Matter

Claims 1-20, 22, 24, 26-29, 32 and 33 are allowed. The following is a statement of reasons for the indication of allowable subject matter. Regarding claims 1, 2, 5 and 22, the prior art fails to disclose a transparent intermediate layer comprising at least one of a metal oxide other than a nickel oxide and a metal as a main component placed between the oxidative coloration layer and the solid electrolyte layer.

Response to Arguments

Applicant's arguments filed 08/31/07 have been fully considered but they are not persuasive.

Regarding the rejections under 35 USC 112, the Applicant has not amended the claims to overcome the rejections, as noted above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

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date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The

examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky L. Mack, can be reached at 571-272-2333. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Huy Mai

Primary Examiner

Jack Dinh 11/20/07